

**MINUTES OF THE
SENATE JUDICIAL CONFIRMATION COMMITTEE**
Monday, August 9, 2010 – 12:00 p.m. – Room 450 State Capitol

Members Present:

Sen. Scott K. Jenkins, Chair
Sen. Jon J. Greiner
Sen. Lyle W. Hillyard
Sen. Karen Mayne
President Michael G. Waddoups

Staff Present:

Ms. Esther D. Chelsea-McCarty, Associate General Counsel
Mr. Jerry D. Howe, Policy Analyst
Ms. Amanda K. Majers, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Jenkins called the meeting to order at 12:02 p.m.

MOTION: Sen. Greiner moved to close the meeting for the purpose of discussing the character, professional competence, or physical or mental health of Ms. Katherine Bernards-Goodman. The motion passed unanimously, with Sen. Hillyard absent for the vote.

MOTION: Sen. Greiner moved to open the meeting. The motion passed unanimously.

2. Interview of Ms. Katherine Bernards-Goodman

The candidate, Ms. Katherine Bernards-Goodman, introduced her family, friends, and colleagues to the Committee. The Committee introduced themselves to the candidate and the audience.

Ms. Bernards-Goodman was placed under oath by Mr. Howe. Ms. Bernards-Goodman provided a personal and professional background statement to the Committee. She stated that she loves practicing law and being in a courtroom. Ms. Bernards-Goodman answered questions concerning personal challenges, drug courts, civil law experience, incarceration versus rehabilitation programs regarding sentencing, application inconsistencies, experience with the Multi-discipline Screening Committee and Fatality Review Committee, community service, divorce and custody issues, the death penalty, cost of litigation, consistency of a judge, and immigration issues.

President Waddoups asked if there is anything in Ms. Bernards-Goodman's background that if it were publically known would be an embarrassment to the state and the judiciary. She answered that there is not.

MOTION: Sen. Mayne moved to favorably recommend to the full Senate that Ms. Katherine Bernards-Goodman be confirmed as a judge on the Third District Court. The motion passed unanimously.

MOTION: Sen. Hillyard moved to adjourn for several minutes. The motion passed unanimously.

3. Interview of Mr. Clark McClellan

MOTION: Sen. Greiner moved to close the meeting for the purpose of discussing the character, professional competence, or physical or mental health of Mr. Clark McClellan. The motion passed unanimously.

MOTION: Sen. Greiner moved to open the meeting. The motion passed unanimously, with Sen. Hillyard absent for the vote.

The candidate, Mr. Clark McClellan, was placed under oath by Mr. Howe.

The Committee introduced themselves to Mr. McClellan and the audience. Mr. McClellan introduced his family, friends, and colleagues to the Committee.

Mr. McClellan provided a personal and professional background to the Committee. He indicated reasons why he would be a good Eighth District Court judge, including being a native of Vernal. Mr. McClellan answered questions related to judicial demeanor; the nature of being a judge in a small town; judicial case load in the Eighth District Court; standard of living of a judge; types of cases in the Uintah Basin; appellate review; the difference in demeanor of an advocate and a judge; immigration issues; judicial activism; community involvement and activities; the cloistered life of a judge, especially in a small town; the death penalty; divorce and custody issues; cost of litigation; and judicial consistency.

President Waddoups inquired if there is anything in Mr. McClellan's background that if it were generally known would be an embarrassment to the state or the judiciary. Mr. McClellan stated that there is not.

MOTION: Sen. Hillyard moved to favorably recommend to the full Senate that Mr. Clark McClellan be confirmed as a judge on the Eighth District Court. The motion passed unanimously.

4. Other Items / Adjourn

MOTION: Sen. Hillyard moved to adjourn. The motion passed unanimously.

Chair Jenkins adjourned the meeting at 2:57 p.m.